



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,522	06/18/2001	Youiti Kado	362-54	1306

23869 7590 06/30/2005
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

EXAMINER

AL AUBAIDI, RASHA S.

ART UNIT PAPER NUMBER

2642

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,522

Applicant(s)

KADO ET AL.

Examiner

Rasha S. AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/01/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 01, 2005 has been entered. Claims 1-8 have been amended. No claims 15 have been canceled. Claims 9-10 have been added. Claims 1-10 are pending in this application, with claims 1 and 8 being independent.
2. Objection to the drawings has been withdrawn.
3. The 112 rejection of claim 7 has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US PAT # 6,246,883).

Regarding claims 1 and 8, Lee teaches a communication network system to send a data signal by way of a plurality of wireless communication terminals (see col. 1, lines 33-36 and col. 2, lines 24-27), wherein said plurality of wireless communication terminals includes at least one mobile communication terminal (reads on mobile station

Art Unit: 2642

102 as shown in Fig. 1, see col. 3, lines 41-49 also col. 2, lines 24-27) moving on a predetermined route (this reads on the mobile station 102 moving in a particular route/path 107 within specific geographical area on certain schedule, see col. 3, lines 27-35, lines 42-49 and col. 6, lines 61-64) and a plurality of fixed communication terminals fixed along said predetermined route (the fixed communications terminals read on the users terminals or users base 103 within certain geographical area 104, 105, 106, see Fig. 1, col. 3, lines 42-49 and col. 5, lines 4-6). That is, the claimed mobile communication terminal reads on a mobile base station 102 such as a meter reading mobile station, and the claimed fixed terminals read on homes such as 103. The collected meter readings data is inherently or at least obviously transferred to the gas utility company. Note that the reference teaches transmitting and/or receiving information to and/or from the mobile-based station (col. 1, lines 33-36) and wireless transfer involving the mobile base station (col. 2, lines 36-39). The advantages of wireless transfer on information are well known in the art.

Regarding claim 2, Lee teaches the use of "at least one mobile communication terminal (102)". Lee does not specifically teach that the at least one mobile communication terminal comprises a plurality of mobile communication terminals. However, having the mobile communication terminal comprises a plurality of mobile communication terminals is obvious and well known in the art. Lee also teaches that the communication network comprises fixed communication terminals, which includes time information storage means to store time information (this reads on the control station

Art Unit: 2642

604 in Fig. 6B, which basically stores information, see col. 7, lines 43-67). The claimed feature of “specifying a time required for transferring said data signal to each of the other fixed communication terminals and selecting means to select one of the mobile communication terminals to which said data signal is to be transferred based upon said time information and said timetable” is inherent or at least obvious. Transmitting and/or receiving information from/to a certain mobile communication station can be performed within certain schedule. For example, meter reading is normally done according to schedules.

Claim 3 recites “the mobile communication terminal selected by said selecting means is the one of the mobile communication terminals determined to reach a desired fixed communication terminal in the shortest time”. Lee teaches the mobile station moving within certain proximity from the user terminal (see col. 4, lines 49-54). Also, efficiency in reaching the appropriate destination/home in the shortest time is required and obvious.

Claim 4 recites “a predetermined route is a circulating route, the plurality of mobile communication terminals includes a first mobile communication terminal and a second communication terminal each of which circulates in a mutually opposite direction, said time information includes a first time information corresponding to said first mobile communication terminal, and second time information corresponding to said second mobile communication terminal”. Having two mobile terminals traveling in

Art Unit: 2642

reverse direction and each one of them has time information associated with it is obvious and it does not rise to the level of patentability. This simply could read on two remote/mobile devices that are totally in a separate direction and transmitting data to base station in a certain time which could be different for each of those mobile devices. Routes for collecting data or delivering items (newspaper, mail) are normally in a circulating route for increased efficiency.

Claims 5 and 6 are rejected for the same reasons as discussed above with respect to claims 2 and 4. Also, numerous references disclosed the teaching of first, second, ...N routes where data and information will be traveling in a telecommunication network. Obviously, at each route an associated destination must be available to receive this information. Therefore, having a fixed station as a stop point that receives the information from a mobile terminal at each route is obvious and well known in the art. Also, the claimed "common point" reads on the control station (406) in Lee (see col. 7, lines 8-67).

Claim 7 recites "at least one mobile communication terminal is provided on a regularly operating bus, and said fixed communication terminal is terminals are provided at stop points of the regularly operating passenger bus". Lee teaches that the mobile station can be a transportation bus (see col. 3, lines 50-59 and col. 7, lines 36-39, see also Figs. 1, 6A, and 6B).

Claims 9-10 are rejected for the same reasons as discussed above with respect to claims 1 and 8, respectively. Also, for claims 9-10 limitations, see col. 4, lines 49-61.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 2642

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
05/19/2005


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

AMENDMENTS TO THE DRAWINGS

Please replace original Figure 2 of the drawings with the replacement drawing sheet attached to this Amendment.

Approved
6/21/05
R.S.

REPLACEMENT SHEET



FIG. 2

